

NAVI SINGH DHILLON (SBN 279537)
navidhillon@paulhastings.com
PETER C. MEIER (SBN 179019)
petermeier@paulhastings.com
LUCAS V. GRUNBAUM (SBN 314180)
lucasgrunbaum@paulhastings.com
PAUL HASTINGS LLP
101 California Street, 48th Floor
San Francisco, California 94111
Telephone: (415) 856-7000

HARIKLIA KARIS (*admitted pro hac vice*)
hkarris@kirkland.com
ROBERT B. ELLIS (*admitted pro hac vice*)
rellis@kirkland.com
MARK J. NOMEILLINI (*admitted pro hac vice*)
mnomellini@kirkland.com
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000

JON DAVID KELLEY (*admitted pro hac vice*)
jon.kelley@kirkland.com
KIRKLAND & ELLIS LLP
4550 Travis Street
Dallas, TX 75205

Attorneys for Defendant
PACIFIC BELL TELEPHONE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

vs.

PACIFIC BELL TELEPHONE COMPANY,
Defendant.

CASE NO. 2:21-cv-00073-DAD-JDP

**STIPULATION CONCERNING
BRIEFING DEADLINES FOR
BTB/MTS'S MOTION FOR
RECONSIDERATION**

Judge: Hon. Dale A. Drozd
Courtroom: 4

Action Filed: January 14, 2021
Trial Date: None

1 Having met and conferred, Defendant Pacific Bell Telephone Company (“Pacific Bell”),
 2 Plaintiff California Sportfishing Protection Alliance (“CSPA”), and non-party witnesses Marine
 3 Taxonomic Services, Ltd., Below the Blue, Seth Jones, and Monique Rydel-Fortner (collectively
 4 “BTB/MTS”) (together, the “Parties,” and each a “Party”) hereby stipulate and agree as follows:

5
 6 **WHEREAS**, on October 14, 2025, BTB/MTS filed and served their “Request for
 7 Reconsideration by the District Court of Magistrate Judge’s Ruling” (the “Request for
 8 Reconsideration”) in the related Case No. 2:24-cv-00022-KJM-JDP (MTS/Dkt. 35).¹ BTB-MTS
 9 stated in the Memorandum in Support of the Request that it did so on the understanding that District
 10 Judge Kimberly J. Mueller had assumed a supervisory role as District Court Judge, and that filing
 11 in that docket was the correct procedure to ensure that the request would be docketed before the
 12 relevant District Court Judge (see MTS/Dkt 27, 30, 36 at 4-6 & n.5); and

13
 14 **WHEREAS**, Joshua Koltun, counsel for BTB-MTS, has represented to counsel for Pacific
 15 Bell as follows. On October 16, at 2:39 pm, the Deputy Clerk of the Court (“KEZ”), called him
 16 and indicated that BTB-MTS should refile the Request for Reconsideration in Case No. 2:21-cv-
 17 00073-JDP. Koltun expressed the concern that BTB-MTS needed to docket the request before a
 18 District Court Judge (at the time the docket in this matter did not list a supervisory District Court
 19 Judge). The Deputy Clerk assured Koltun that the Court had an alternative means of ensuring that
 20 the Request for Reconsideration be docketed before a District Court Judge; and

21
 22 **WHEREAS**, the Deputy Clerk then (at 2:51 pm on October 16) issued a “CLERK’S
 23 NOTICE of DOCKET CORRECTION” (MTS Dkt 38) ordering that the Request for
 24 Reconsideration, Memorandum, and Proposed Order (MTS/Dkt 35, 36, 37) be refiled in the correct
 25 case number, 2:21-cv-0073-JDP; and

26
 27
 28 ¹ In this Stipulation, the, entries on that docket will be referred to as “MTS/Dkt __,” and docket
 entries in Case No. 2:24-cv-00022-KJM-JDP as “BTB/Dkt __.” The Request for Reconsideration
 was served on all of Pacific Bell’s counsel listed on both dockets.

1 **WHEREAS**, BTB-MTS shortly thereafter refiled the documents as directed, *see* BTB/Dkt
2 179, 180, 181; and,

3 **WHEREAS**, on October 17, the Courtroom Deputy to Magistrate Judge Jeremy D.
4 Peterson issued an order that, in light of the Request for Reconsideration, “the Clerk of the Court
5 is directed to randomly assign a United States District Judge to this case (BTB/Dkt 182); and
6

7 **WHEREAS**, shortly thereafter the case was assigned to the District Judge Dale A. Drozd
8 (BTB/Dkt 183);

9 **WHEREAS**, in light of the foregoing procedural background, and pursuant to Local Rule
10 303(d) of the United States District Court for the Eastern District of California, Pacific Bell’s
11 response to the Request for Reconsideration is due seven (7) days after the filing of the Request;
12

13 **WHEREAS**, counsel for Pacific Bell and counsel for BTB/MTS have conferred and agreed
14 to resolve their respective contentions concerning deadlines that might arise under the foregoing
15 circumstances; and

16 **WHEREAS** counsel for BTB-MTS is also willing as a professional courtesy to agree to a
17 short extension of Pacific Bell’s response deadline, and counsel for CSPA is unopposed to the same.

18 **WHEREAS** counsel for BTB-MTS, Pacific Bell and CSPA have conferred and agreed that
19 the Order (Dkt. 178) concerning BTB-MTS’s motion to shift the costs of responding to subpoenas
20 from Pacific Bell, or in the alternative for sanctions (Dkt. 158) and CSPA’s motion for attorneys’
21 fees and costs (Dkt. 156), will be bifurcated from any potential modification based on BTB-MTS’s
22 pending motion for reconsideration and memorandum in support of reconsideration (Dkts. 179 and
23 180, respectively), and nothing in any ruling on the pending motion for reconsideration from BTB-
24 MTS will have any effect on the finality or appealability of the Order at Dkt. 178 as it concerns and
25 relates to CSPA and Pacific Bell.
26
27
28

1 **NOW, THEREFORE**, the Parties respectfully and jointly request that the Court enter an
2 order as follows:

- 3 1. BTB-MTS is deemed to have timely filed its Request for Reconsideration;
4
5 2. Pacific Bell's deadline to file its response to the Motion for Reconsideration is extended
6 to **October 28, 2025**; and
7
8 3. Anything ordered pursuant to the docketed motion for reconsideration by BTB-MTS
9 (Dkt. 180) is deemed bifurcated from and will have no effect on the finality or
10 appealability of the Order at Dkt. 178 as it concerns and relates to CSPA and Pacific
11 Bell.

12 The Parties further agree that this stipulation to extend the deadline is made without waiver
13 of any argument or defense that Pacific Bell may have in opposition to BTB/MTS's Motion for
14 Reconsideration. Neither Party has requested any prior extensions regarding this matter, and thus
15 the extensions requested will not unduly delay these proceedings. A stipulated order follows the
16 Parties' signature blocks.

17 DATED: October 23, 2025

Respectfully submitted,

/s/ Jon Kelley

HARIKLIA KARIS (*admitted pro hac vice*)

hkaris@kirkland.com

ROBERT B. ELLIS (*admitted pro hac vice*)

rellis@kirkland.com

MARK J. NOMELLINI (*admitted pro hac vice*)

mnomellini@kirkland.com

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, IL 60654

Telephone: (312) 862-2000

Fax: (312) 862-2200

JON DAVID KELLEY (*admitted pro hac vice*)

jon.kelley@kirkland.com

KIRKLAND & ELLIS LLP

4550 Travis Street

Dallas, TX 75205

Attorneys for Defendant

PACIFIC BELL TELEPHONE COMPANY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Matthew Maclear

Jason R. Flanders
jrf@atalawgroup.com
Matthew C. Maclear
mcm@atalawgroup.com
Erica A. Maharg
eam@atalawgroup.com

AQUA TERRA AERIS LAW GROUP
8 Rio Vista Ave
Oakland, CA 94611

Attorneys for Plaintiff
CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

/s/ Joshua Koltun

Joshua Koltun (Bar No. 173040)
One Sansome Street Suite 1400, No. 2544
San Francisco, California 94104
Telephone: 415.680.3410
Facsimile: 866.462.5959
joshua@koltunattorney.com

Attorney for Nonparty Witnesses
MARINE TAXONOMIC SERVICES, LTD,
BELOW THE BLUE, SETH JONES, AND
MONIQUE RYDEL-FORTNER

The filer of this document attests that all signatories listed above have concurred in the
filing of this document.

[PROPOSED] ORDER

In light of the stipulation between Pacific Bell Telephone Company (“Pacific Bell”) and non-party witnesses Marine Taxonomic Services, Ltd., Below the Blue, Seth Jones, and Monique Rydel-Fortner (collectively “BTB/MTS”) (together, the “Parties”) and good cause appearing, the Court hereby GRANTS the Parties’ request as follows:

1. BTB-MTS is deemed to have timely filed its Request for Reconsideration (Dkt 179);
2. Pacific Bell’s deadline to file its response to the Request for Reconsideration is extended to **October 28, 2025**; and
3. Anything ordered pursuant to the docketed motion for reconsideration by BTB-MTS (Dkt. 180) is deemed bifurcated from and will have no effect on the finality or appealability of the Order at Dkt. 178 as it concerns and relates to CSPA and Pacific Bell.

IT IS SO ORDERED.

DATED: _____, 2025

DALE A. DROZD
UNITED STATES DISTRICT JUDGE